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GENARO FRAGUA
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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 GENARO FRAGUA

15 Defendant.
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Case No. 1:23-cr-00120-JLT-SKO

**STIPULATION TO SET CHANGE OF
PLEA; ORDER**

Date: August 12, 2024

Time: 9:00 a.m.

Judge: Hon. Jennifer L. Thurston

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18 IT IS HEREBY STIPULATED, by and between the parties through their respective
19 counsel, Assistant United States Attorney Stephanie M. Stokman, counsel for plaintiff, and
20 Assistant Federal Defender Griffin Estes, counsel for GENARO FRAGUA, that the Court may
21 continue the status conference in this case. The parties stipulate to set a change of plea hearing
22 on August 12, 2024 at 9:00 a.m. before District Court Judge Jennifer L. Thurston.

23 The parties stipulate as follows:

24 1. By previous order, this matter was set for status on July 17, 2024.

25 2. By this stipulation, defendant now moves to set a change of plea hearing on August 12,
26 2024 at 9:00 a.m. and to exclude time between July 17, 2024 and August 12, 2024, under 18
27 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
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1 3. The parties agree and stipulate, and request that the Court find the following:

2 a) The government has represented that the discovery associated with this case includes
3 reports, photographs, and audio files. All of this discovery has been either produced directly to
4 counsel and/or made available for inspection and copying, or is in the process of being produced.
5 The government has made an offer to resolve this case.

6 b) Counsel for defendant desires additional time to review discovery, conduct any
7 investigation, and discuss this matter, with the defendant in order to prepare the case. Moreover,
8 counsel for the defendant requires additional time to prepare for sentencing in this matter.

9 c) Counsel for defendant believes that failure to grant the above-requested continuance
10 would deny him/her the reasonable time necessary for effective preparation, taking into account
11 the exercise of due diligence.

12 d) The government does not object to the continuance.

13 e) Based on the above-stated findings, the ends of justice served by continuing the case as
14 requested outweigh the interest of the public and the defendant in a trial within the
15 original date prescribed by the Speedy Trial Act.

16 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et
17 seq., within which trial must commence, the time period of March 20, 2024 to July 17,
18 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv)
19 [Local Code T4] because it results from a continuance granted by the Court at
20 defendants' request on the basis of the Court's finding that the ends of justice served by
21 taking such action outweigh the best interest of the public and the defendants in a speedy
22 trial.

23 g) The parties also agree that this continuance is necessary for several reasons, including
24 but not limited to, the need to permit time for the parties to exchange supplemental
25 discovery, engage in plea negotiations, and for the defense to continue its investigation
26 and preparation, pursuant to 18 U.S.C. § 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).

Respectfully submitted,

PHILLIP A. TALBERT
United States Attorney

Dated: June 6, 2024

/s/ Stephanie Stokman
STEPHANIE STOKMAN
Assistant United States Attorney
Attorney for Plaintiff

Dated: June 6, 2024

HEATHER E. WILLIAMS
Federal Defender

/s/ Griffin Estes
GRIFFIN ESTES
Assistant Federal Defender
Attorney for Defendant
GENARO FRAGUA

ORDER

Pursuant to the parties' stipulation and for Good cause shown, the Court sets a change of plea hearing on August 12, 2024 at 9:00 a.m. and excludes time between July 17, 2024 and August 12, 2024, under 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: June 6, 2024

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE

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